

REMARKS

In the Notice of Non-Compliant Amendment, it was pointed out that the Amendment filed on March 2, 2005, did not include a complete listing of the claims, insofar as the listing of claims did not include the text of the withdrawn claims. Submitted herein is a replacement "Amendments to the Claims" section which properly lists all the pending claims. Applicant believes this submission satisfies the Notice and places the March 2 amendment in compliance with 37 C.F.R. §1.121.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael A. Messina

Registration No. 33,424

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MAM:llg
Facsimile: 202.756.8087
Date: March 22, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**

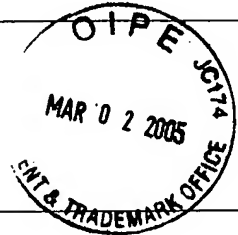
Applicant: Hiroki HASEGAWA, et al.Docket No. 58647-182Title: HEALTH CARE SYSTEMSerial/Reg./Patent No. 10/785,028Date Sent: 3/2/2005 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ First Class Mail ☐ Express Mail No. _____☒ Transmittal LetterNew Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ RCE ☐ Prov☐ Other: _____pages of Specification
pages of Claims
pages of Abstract
pages of Formal/Informal Drawings☐ Small Entity ☐ Large Entity☐ Declaration/Power of Attorney☐ Recordation of Assignment/Security Agreement☐ Information Disclosure Statement

Form PTO 1449

_____ copies of cited references

☐ Preliminary Amendment☐ Response to Missing Parts Notice☐ Resp. to Notice to Correct App. Papers☐ Certified Copy of Priority Doc.☐ Claim for Convention Priority☒ Response/Amendment to Office Action of December 2, 2004☐ Request for _____ month Extension of Time

- ☐ Letter submitting _____ pages of drawings
☐ Req. for Approval of Drawing Amendments
☐ Req. for Oral Hearing
☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief
☐ Rule 312 Amendment/Letter
☐ Req. for Acknowledgement of Cited Art
☐ Issue Fee
☐ Publication Fee
☐ Req. for Certificate of Correction
☐ Maintenance Fee for _____ years after grant
☐ Fee Address Indication Form
☐ Terminal Disclaimer
☐ Petition to Commissioner
☐ Status Inquiry
☐ Other _____



Check for \$

☐ Charge Deposit Acct. 500417\$

0

Atty
Init.

MAM

Tkpr. #

4252

Secy. or PL:

LGrant

CMS Descrip.: _____

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroki HASEGAWA, et al.

Application No.: 10/785,028

Filed: February 25, 2004

For: HEALTH CARE SYSTEM

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450



Customer Number: 20277

Confirmation Number: 9051

Group Art Unit: 3736

Examiner: Michael C. Astorino

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

☒
☐
☐

No additional fee is required.

Applicant is entitled to small entity status under 37 CFR 1.27

Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	18	20	0	\$50.00 =	\$0.00
Independent Claims	1	3	0	\$200.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$0.00
					\$0.00
Total of Above Calculations					\$0.00

☐Please charge my Deposit Account No. 500417 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.☒

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

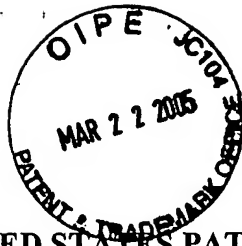
McDERMOTT WILL & EMERY LLP

Michael A. Messina
 Michael A. Messina
 Registration No. 33,424

600 13th Street, N.W.
 Washington, DC 20005-3096
 Phone: 202.756.8000 MAM:llg
 Facsimile: 202.756.8087
 Date: March 2, 2005

Please recognize our Customer No. 20277 as our
 correspondence address.

Docket No.: 58647-182



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Hiroki HASEGAWA, et al.	:	Confirmation Number: 9051
Application No.: 10/785,028	:	Group Art Unit: 3736
Filed: February 25, 2004	:	Examiner: Michael C. Astorino
For: HEALTH CARE SYSTEM	:	

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Office Action dated December 2, 2004, please amend the above-identified application as follows:

AMENDMENTS TO THE CLAIMS:

1-11 (Withdrawn)

12. (Currently Amended) A health care system, comprising:

a living body data measurement unit including a pedometer;

a receiver unit including a permanent magnet, an infrared ray receiving section, and a wireless receiving section; and

a personal computer[,];

wherein said living body data measurement unit measures living body data,

wherein said receiver unit receives the living body data from the living body data measurement unit,

wherein said pedometer includes a reed switch which turns on, responsive to the permanent magnet, when said pedometer is placed on said receiver unit, and sends the living body data to said receiver unit by infrared ray.

wherein said personal computer is ["USB"] connected to the receiver unit, and

~~said receiver unit includes a~~ wherein said wireless receiving section is normally in standby condition and ~~which~~, upon receiving the living body data from the living body data measurement unit, checks ~~acts to check~~ whether there is any problem in the data, and if not, ~~acquires no, to acquire~~ the living body data.

13. (Currently Amended) A health care system according to claim 12 in which said receiver unit receives the living body data from the living body data measurement unit via electromagnetic wave or infrared ray.

14. (Currently Amended) A health care system according to claim 12 in which said living body data measurement unit includes at least one of a body fat meter, ~~a pedometer~~ and a sphygmomanometer.

15. (Currently Amended) A health care system according to claim 12, wherein ~~in which~~ ~~in case of the body fat meter used for the living body data measurement unit~~ comprises a body fat meter, and said living body data includes at least one of body weight, body fat rate, body fat mass, basal metabolism, total energy consumption and visceral fat level.

16. (Currently Amended) A health care system according to claim 12, wherein ~~in which~~ ~~in case of the pedometer used for the living body data measurement unit~~ said living body data includes at least one of number of steps, distance, calorie consumption and amount of burned fat.

17 (Currently Amended) A health care system according to claim 12, wherein ~~in which~~ ~~in case of the sphygmomanometer used for the living body data measurement unit~~ comprises a sphygmomanometer, and said living body data includes at least one of highest blood pressure, lowest blood pressure and pulse rate.

18. (Currently Amended) A health care system according to claim 12, wherein ~~in which~~ ~~in case of the body fat meter or the sphygmomanometer used for the living body data measurement unit~~ comprises a body fat meter or a sphygmomanometer, and it sends the living body data to the receiver unit in a frame synchronized manner upon depressing a data transmission button after measurement is done.

19. (Cancelled)

REMARKS

Claims 12-18 are pending in the application. Claims 12-18 have been amended. Claim 19 has been cancelled.

Pursuant to the Examiner's restriction requirement, applicants hereby confirm the election of species II, claims 12-19, for prosecution in this application, made by Applicant's attorney, Michael A. Messina, in a telephone interview with the Examiner on November 29 2004.

In the Office Action, claim 12 was objected to for formal reasons. Claim 12 has been amended as suggested by the Examiner. Applicants believe that this amendment is fully responsive to the Examiner's concerns.

Claims 12, 13, 16 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,736,759 (Stubbs). Claims 12, 14, 15 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,478,736 (Mault) in view of Stubbs. Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mault and Stubbs in view of U.S. Patent 5,117,444 (Sutton). These rejections are respectfully traversed. Applicants respectfully request reconsideration and allowance of the claims in view of the following arguments.

Independent claim 12 has been amended to recite that the receiver unit includes a permanent magnet, and the living body data measurement unit includes a pedometer having a reed switch that turns on when the pedometer is placed on the receiver unit to send data to the receiver unit. These limitations were included in original dependent claim 19, which has consequently been cancelled. Claim 12 has further been amended to recite that the receiver unit has an infrared ray receiving section, and the pedometer sends data to the receiver unit by infrared ray. This recitation is supported, for example, at page 8, line 23 et seq. of the present application.

Neither Stubbs nor Mault nor Sutton teaches or suggests the claimed receiver unit of claim 12 having a permanent magnet and infrared ray receiving section, or the claimed pedometer having a reed switch that turns on when the pedometer is placed on the receiver unit and sends data to the receiver unit by infrared ray. It is contended at paragraph 11 of the Office Action that Sutton teaches a pedometer having a reed switch that sends data to a receiver having a permanent magnet upon placing the pedometer on the receiver. However, this is not a correct characterization of Sutton's disclosure.

Referring to Fig. 5 of Sutton, which is a block diagram of the circuitry within Sutton's pedometer 10, it is clear that Sutton's magnet 58 and reed switch 62 are both contained within pedometer 10. Therefore, Sutton does not show a pedometer having a reed switch and a receiver unit having a permanent magnet, as claimed. Sutton teaches a pedometer mechanism for counting the number of steps of a user, wherein contacts in reed switch 62 (inside the pedometer) open and close once for each stride as magnet 58 (also inside the pedometer) comes close to reed switch 62. In this way, each step is counted.

The embodiment of the present invention of independent claim 12 is described, for example, at page 8, line 23 et seq. of the present application. A permanent magnet is mounted on receiver unit 4, and a reed switch is mounted on pedometer 2, such that when pedometer 2 is placed on receiver unit 4, the reed switch is turned ON, whereby pedometer 2 sends measurement data (i.e., the number of steps it previously recorded) to the receiver unit 4. The infrared receiving section 22 of receiver unit 4 receives the measurement data from pedometer 2.

Thus, the claimed invention is directed to a mechanism for sending measurement data, such as a number of steps, from a pedometer to a receiver unit, as clearly defined in amended

independent claim 12. In contrast, Sutton relates only to a pedometer mechanism for counting steps.

None of the cited references teaches or suggests amended claim 12's receiver unit having a permanent magnet and infrared ray receiving section, or claim 12's pedometer having a reed switch that turns on when the pedometer is placed on the receiver unit and sends data to the receiver unit by infrared ray. Therefore, no combination of Stubbs, Mault and Sutton, however made, would yield the invention of claim 12, and it would not have been obvious to modify any Stubbs/Mault/Sutton combination to yield the invention of claim 12.

Consequently, claim 12 is patentable, as are claims 13-18, which depend from claim 12.

Reconsideration and withdrawal of the rejection of claims 12-18 under 35 U.S.C. §§102 and 103 are respectfully requested.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael A. Messina

Registration No. 33,424

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MAM:llg
Facsimile: 202.756.8087
Date: March 2, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**